

REMARKS

Claims 1-60 were originally submitted.

Claims 42-52 have been withdrawn as a result of an earlier restriction requirement.

Claims 30, 41, 59-60 are canceled without prejudice.

Claims 1-9, 12-21, 24-27, 31-38, and 51-58 are allowed.

Claims 1-10, 11-29, 31-40, and 51-58 remain in this application.

35 U.S.C. §101

Claims 30 and 41 are rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter.

Claims 30 and 41 are canceled without prejudice.

35 U.S.C. §112

Claims 10, 11, 22, 23, 28-30, and 39-41 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 30 and 41 are canceled without prejudice.

The Office presents that "a claim in dependent form shall contain a reference to a claim previously set forth and then specify a further limitation of the subject matter as claimed. A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers".

1 **Claim 10** recites “[d]istributed computer-readable media resident at the
2 issuer, user, and vendor having computer-executable instructions to perform the
3 method as recited in claim 1”.

4 **Claim 10** is a computer readable medium claim also known as a Beauregard
5 claim. In in re Beauregard, 53 F.3d 1583, USPQ2d 1383 (Fed. Cir. 1995), it was
6 ruled that claims for a computer usable medium for performing the steps of the
7 invention are allowable as statutory articles of manufacture under 35 U.S.C. §101.
8 **Claim 10** is dependent on the method of claim 1, and incorporates by reference the
9 elements of allowed base claim 1.

10 Accordingly, the rejection of claim 10 is therefore improper. Applicants
11 respectfully request that the §112 rejection of claim 10 be withdrawn.

12 **Claims 22, 28, 39 and 40** benefit from similar arguments presented in
13 support of claim 10. Applicants respectfully request that the §112 rejection of
14 claims 22, 28, 39, and 40 be withdrawn.

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16 **Claim 11** recites “[c]omputers resident at the issuer, user, and vendor that
17 are programmed to perform the method as recited in claim 1.

18 **Claim 11** is a machine claim. Under the PTO Guidelines, 61 Fed. Reg.
19 7478, 7484-85 (Feb. 28, 1996) a “non-specific” machine claim is one in which the
20 claim covers a general purpose computer for performing an underlying process.
21 Such a claim recites statutory subject matter if the underlying process recites
22 statutory subject matter.

23 In this case claim 11 depends from claim and incorporates by reference the
24 elements of allowed base claim 1.

1 Accordingly, the rejection of claim 11 is therefore improper. Applicants
2 respectfully request that the §112 rejection of claim 11 be withdrawn.

3 Claims 23 and 29 benefit from similar arguments presented in support of
4 claim 11. Applicants respectfully request that the §112 rejection of claims 23 and
5 29 be withdrawn.
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CONCLUSION

All pending claims 10, 11, 22, 23, 28-29, and 39-40 are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the subject application. If any issues remain that prevent issuance of this application, the Examiner is urged to contact the undersigned attorney before issuing a subsequent Action.

Respectfully Submitted,

Dated: 8/26/04By: 

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